

# **Exhibit F**

Page 1

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DEPARTMENT OF DEFENSE

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CIVILIAN PERSONNEL MANAGEMENT SERVICE

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OFFICE OF COMPLAINT INVESTIGATIONS

NATIONAL CAPITAL REGION

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5

FACT FINDING CONFERENCE

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IN THE COMPLAINT OF:

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MS. EVELYN MCKINLEY

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ACTIVITY NUMBER: ARMCCOY03MAR0027

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CONVENED AT

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99th REGIONAL SUPPORT COMMAND

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1605 Coraopolis Heights Road

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Westpointe Corporate Center Three

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Coraopolis, PA 15108-4310

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wednesday, December 3, 2003

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BEFORE:

18

Sharon T. Jenkins

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Complaints Investigator

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OCI-Columbia

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Columbia Corporate Park I

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8850 Stanford Boulevard, Suite 3200

23

Columbia, MD 20145-4753

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2	APPEARANCES:	2	---
3	Neal A. Sanders, Esquire	3	P R O C E E D I N G S
4	Law Offices of Neal A. Sanders	4	MRS. JENKINS: Let the record begin. Let the
5	1924 North Main Street Extension	5	record begin. It is 8:53 on December 3rd, 2003.
6	Butler, PA 16001	6	This is a Fact-Finding Conference being held at the
7	Appearing on behalf of the Complainant	7	99th Regional Support Command located in Coraopolis,
8	Carla J. Hughey, Esquire	8	Pennsylvania.
9	Fort McCoy	9	This Fact-Finding Conference is to investigate
10	JA (AFRC-FM-JA)	10	the formal discrimination complaint of Miss Evelyn
11	100 E. Headquarters Road	11	McKinley. The agency docket number is
12	Fort McCoy, WI 54656-5263	12	ARMCCOY03MAR0027. Again, I'm Sharon Jenkins with
13	Appearing on behalf of Respondent	13	the Department of Defense, Civilian Personnel
14		14	Management Service, Office of Complaint
15		15	Investigations.
16	PRESENT:	16	This proceeding is an administrative
17	Tom Karns, observer	17	investigation conducted in accordance with Section
18		18	1614 of the Title 29 of the Code of Federal
19		19	Regulations.
20		20	Its purpose is to establish a record of
21		21	evidence relevant to the issues that the agency has
22		22	accepted for this investigation and to do so in a
23		23	manner that affords both parties a fair opportunity
			to present their facts and position in the record.
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1	I N D E X    P A G E	1	Present at this time we have the complainant,
2		2	Miss Evelyn McKinley, her representative,
3		3	Mr. Neal Sanders. Mr. Tom Karns is an observer
4	WITNESSES:	4	here with Miss McKinley, and the agency
5	Evelyn McKinley	5	representative is Miss Carla Hughey.
6	by Mrs. Jenkins	6	Because the complainant's allegations are made
7	by Mr. Sanders	7	against the agency, Miss Hughey is here to
8	by Mrs. Hughey	8	represent the agency and not any specific
9	Jimmy Edward Keener	9	management official.
10	by Mrs. Jenkins	10	Our court reporter is Donna McMullen who will
11	by Mr. Sanders	11	record the verbatim testimony of this proceeding.
12	by Mrs. Hughey	12	The parties are advised that the information
13	Larry Flynn	13	provided here is not to be considered confidential
14	by Mrs. Jenkins	14	and that it may be placed in the file if shown to
15	by Mr. Sanders	15	the interested parties.
16	by Mrs. Hughey	16	At this time, Miss McKinley, I'd like to swear
17		17	you in. Do you have any objection to swearing
18		18	under oath?
19		19	MISS MCKINLEY: No.
20		20	MRS. JENKINS: Raise your right hand.
21		21	EVELYN MCKINLEY, the Complainant herein,
22		22	having been first duly sworn, testified as follows:
23		23	MRS. JENKINS: I'm using a script format to

2 (Pages 2 to 5)

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1 Q	whether it involves taking a phone off the wall or repairing an engine or anything like that?	1	based on sex and physical handicap please state for the record your sex.
2 A	No.	2	Male.
3 Q	What's the no part?	3	And do you have a handicap?
4 A	We don't take phones off the wall. That's done by the engineers.	4	No, ma'am.
5 Q	In order for the engineers to do it do you think the engineers work off work orders? Do you think they work by themselves?	5	Now, what is your current position, title, series and grade?
6 A	Yes, they do.	6	I am a heavy mobile equipment work leader and I'm a WL8, Step 5.
7 MR. SANDERS:	Thank you. That's all I have.	7	And the organization that you work for?
8 MRS. JENKINS:	Any follow-up for Mr. Keener?	8	ECS103 in Geneva, Pa.
9 Miss Hughey?		9	Excuse me?
10 MS. HUGHEY:	No.	10	In Geneva, Pa.
11 MRS. JENKINS:	Is there anything you want to add as far as your involvement with these issues that we've been discussing?	11	And how long have you held that position?
12 THE WITNESS:	No.	12	I think this is my third year.
13 MRS. JENKINS:	Thank you for your time. I ask that you not discuss your testimony, and we will go off the record.	13	What was your work relationship with the complainant?
14 (witness excused.)		14	She was in my team.
15 (recess)		15	So you were her team leader?
16		16	Yes, ma'am.
17		17	How long were you her team leader?
18		18	'99 or 2000 to present. I'm not sure exactly.
19		19	Have you been a team leader the entire --
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1 BY MRS. JENKINS:		1 A	No, ma'am.
2 Q	we'll go on the record. The next witness is Mr. Flynn. You've been called as a witness regarding Miss McKinley's EEO complaint. I'll be asking you questions regarding the accepted issues, what knowledge do you have, if any, what was your direct involvement.	2 Q	-- three years? And who was your supervisor, your first line?
3 A	Yes, ma'am.	3	Mr. Keener.
4 Q	You're advised that the information that is provided here is not considered confidential. Interested parties may have access to reviewing all of the testimony gathered for this complaint.	4 Q	Do you have a second line supervisor?
5 A	I understand.	5 A	No, ma'am.
6 Q	Do you have any objection to swearing under oath?	6 Q	The complainant alleges she has a physical handicap.
7 A	No, I do not.	7	Do you have any knowledge of her handicap?
8 Q	Please raise your right hand.	8	The day she got hurt, I -- the only knowledge I know of -- I took her to the hospital personally.
9 LARRY LEWIS FLYNN, the witness herein, having been first duly sworn, testified as follows:		9 Q	Okay.
10 EXAMINATION		10 A	I seen her in the shop a series of times. That's all I'm aware of.
11 BY MRS. JENKINS:		11 Q	Do you perceive her as being disabled?
12 Q	For the record please state your full name.	12 A	I can't answer that.
13 A	Larry Lewis Flynn.	13 Q	Do you know if she has provided management with any documentation to support that she has a handicap?
14 Q	And because Miss McKinley is alleging discrimination	14 A	I do not know that.
15		15 Q	Do you know how her injury affects her performance, affects her performing the duties of her position?
16		16 A	I can only assume that she's having back problems and there is a series of things we have to pick up, so I would assume that has something to do with it.